

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

DERRICK GIBSON
MSGT, U.S. ARMY,

and

STEVEN BROWN
SSG, U.S. ARMY, *et al*, for themselves
and all others similarly situated

Plaintiffs

v.

LLOYD AUSTIN
Secretary of Defense,
U.S. DEPARTMENT OF DEFENSE
Washington, D.C. 20301

and

JANET WOODCOCK,
Acting Commissioner,
U.S. FOOD AND DRUG
ADMINISTRATION

and

XAVIER BECERRA
Secretary of the U.S. Department of
Health and Human Services
U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES

Defendants

Civil Action No. _____

Declaration of Lt Col Summer Anne Fields, U.S. Air Force Reserve

I, Summer Anne Fields, Lt Col, do hereby declare as follows:

1. I am over the age of 18 years, have personal knowledge of the matters set forth in this Declaration, and if called upon to testify to them, I would and could do so competently.

2. I am currently domiciled in Flower Mound, Denton County, Texas.
3. I am a staff officer in the United States Air Force Reserve currently serving at 10 AF at NAS Joint Reserve Base, Fort Worth, Texas. I have been there since December 2020. My next assignment was supposed to be 10 AF Director of Staff.
4. I was commissioned in the United States Air Force Reserve (USAFR) in Jan 1997 via Officer Training School (OTS) and afterwards became a pilot after completing Undergraduate Pilot Training in Aug 1998. I then went to follow-on training where I learned to fly the KC-135. In 1999, as a brand new co-pilot, I deployed to support the war in Kosovo in Operation Allied Force.
5. As a Company Grade Officer, I deployed numerous times in support of many named operations to include Operations Joint Forge, Northern Watch, Iraqi Freedom and Enduring Freedom. Shortly after Sept 11, 2001, I helped establish and run the west coast tanker alert operation for Operation Noble Eagle based out of Beale AFB, CA. I upgraded to instructor pilot in the KC-135. In addition, I was chosen to attend Advanced Instrument School in 2004.
6. As a Field Grade Officer, I retrained to fly the RQ-4 Global Hawk, an unmanned reconnaissance platform with a deployed in-garrison mission. I supported many types of missions from combat/combat support to those including humanitarian and disaster relief in support of Operations Tomadachi and New Dawn. I became the Director of Operation for the 13th Reconnaissance Squadron (RS) at Beale AFB, CA in 2013 and served in that position until 2018. Subsequently, I assumed command of the 13 RS in August 2018 until I relinquished command in August of 2020. I was the squadron commander during the beginning of the Covid-19 pandemic and my squadron continued to execute our mission

flying the RQ-4 in support of world-wide operations. Afterwards, I moved to the group and served as the Deputy Group Commander. In December 2020, I moved to a staff position at 10 AF where I continued to perform exceptionally. I was asked to backfill as the executive officer to the 10 AF 2-star commander. Following that, I filled in as the Director of the Commander's Action Group while they were awaiting the arrival of the selected individual to PCS.

7. Most notably, I was asked to be the Director of Staff (DS) for 10 AF. I applied for the job and was given a temporary job offer in September 2021. This was rescinded at the end of the fiscal year when it was discovered that AFRC was in financial trouble and could no longer bring on any new hires. At the passing of the continuing resolution in FY22, an exception to policy was pursued to get the DS position funded. It was at that time that the mandate came down and I was no longer going to be considered for the position. They temporary filled it with another person and then most recently they advertised the position again however this time they did not choose to by name request me like they did last time, I suspect due to my pending religious accommodation request and the knowledge it would come back denied.

8. I have now served honorably for over 25 years, and I will continue to do so God willing. I have accumulated more than 3500 hours of flight time. I have deployed countless times to support countless named operations. Throughout my career, I have earned many awards and have been stratified in the top tier of my peers. Most recently, I was selected to the rank of Colonel (O-6), however any attempts to secure a job will be hampered due to my RA request.

9. I submitted a Religious Accommodation (RA) request in response to the COVID shot mandate. It subsequently was denied by Lt Gen Richard Scobee, Air Force Reserve commander and I received my notification on 15 November 2021. In order to file a comprehensive appeal, I requested a copy of what was submitted via the Privacy Act, however was told that it would be filed under the FOIA category. I received a useless document that was heavily redacted. The AFRC Privacy Act coordinator said I could appeal if I wanted to, however I am going to submit a request for my appeal information.

10. Per DoD policy, I have been ordered to perform mandatory testing and wear a mask as an unvaccinated person. The unvaccinated were singled out for these policies even though the majority of Covid cases at 10 AF were from those that were vaccinated. As mentioned previously, the job I had lined up as an O-6 was no longer offered to me. From my understanding, once the appeal is denied, I will be forced to retire.

11. I have had Covid-19. I suspect I got it in Dec 2021 as I was sick shortly after Christmas. To back this up, I tested positive for Covid-19 antibodies in January by LabCorp where a previous antibody test in Oct 2021 showed nothing.

12. In the beginning, several of us at 10 AF repeatedly tried to explain to the 10 AF commander the difference between the licensed product, Comirnaty, and the EUA-only Pfizer product and were told repeatedly that these differences do not matter stating AFRC was following the policy which stated they are interchangeable. In addition, on many video conferences with the AFRC commander, he repeatedly stated he didn't see a future for the unvaccinated in the Air Force Reserve.

13. I received back the initial denial from the Air Force Reserve (AFR) commander, Lt Gen Scobee, in which he acknowledged my sincerely held beliefs, but denied my request

based on the compelling interest of the AFR. An interest which he failed to elaborate on and which no one in a leadership position has been able to articulate.

14. I appealed the initial denial on November 23, 2021.

15. As of the writing of this affidavit, I am still awaiting the status of my appeal. I expect it back any day now because as of March 23, 2022 in the Case Management System, it is marked complete and shows back at AFRC/RRT.

16. If my appeal is denied, I will be forced to retire.

17. My career is coming to an unceremonious end, partially because of the stigma of this entire process; but it will most certainly be over once I am forced to retire upon the denial of my appeal. Most significantly, even though I have recently been selected to the rank of Colonel (O-6), a rank I have worked hard to achieve, I will not be allowed to retire as an O-6 because I will not be allowed to serve the 3 years' time in grade required to do so.

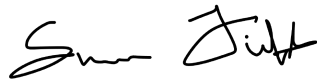
18. If I choose not to retire, I would be involuntarily placed in the Inactive Ready Reserve and given a Letter of Reprimand (LOR) which then causes an Unfavorable Information File (UIF) to be opened on me. For me and all others unable to get the COVID shot because of our religious beliefs, this allegation of "misconduct" will be "substantiated" absent injunctive relief, because they have given us a "lawful order," and denied our religious accommodation request.

19. Every COVID request I have seen have been almost identical denials and all of those at 10 AF were denied initially even though we are in non-deployable billets and have been executing our jobs since the pandemic began.

20. My vaccination status did not prevent me from continuing to execute the mission of the Air Force Reserve. During the pandemic, I hosted commanders' conferences and attended conference prep with the AFRC NAF commanders as demonstrated in the Defense Travel System where all travel requests are authorized and subsequently paid via a voucher process. I didn't miss any days due to sickness and rarely teleworked as the commander did not think that was needed in most situations especially for those that were holding certain positions.

I declare under penalty of perjury, under the laws of the United States, that the foregoing statements are true and correct to the best of my knowledge.

Executed this March 25, 2022.

A handwritten signature in black ink, appearing to read "Summer A. Fields". The signature is stylized with a large, looped "S" and a distinct "F".

Summer A. Fields, Lt Col